

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

at 4.

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DEVI NAMPIAPARAMPIL,
Plaintiff,

–against–

THE NEW YORK CITY CAMPAIGN FINANCE BOARD,
AMY LOPREST, DAVID DUHALDE, HANNAH EGERTON,
FREDERICK SCHAFFER, BETHANY PERSKIE, MATTHEW
SOLLARS, JACLYN WILLIAMS & THE CITY OF NEW YORK
Defendants

**LETTER-MOTION
TO COMPEL
FINAL
DETERMINATION
ON CAMPAIGN
AUDIT**

No. 23 Civ. 6391

January 27, 2025

Dear Judge Ramos,

I am the Plaintiff in this matter. We currently have a hearing before this Court scheduled for this Thursday, January 30, 2025 at 2:30pm. I respectfully ask the Court to also consider, at that hearing, this Letter-Motion to compel the Defendant, New York City Campaign Finance Board (“CFB”) to issue a final determination on its audit of my 2021 campaign, Dr. Devi For NYC. This audit, which was initiated approximately one month after I filed litigation against the CFB, has been weaponized as a retaliatory tool, imposing burdens that violate my First and Fourteenth Amendment rights. It undermines my engagement in future political campaigns and wastes my time and resources, interfering with my practice of medicine.

THE CURRENT SITUATION

Despite my full compliance in providing all of the financial transactions the campaign ever made by January 12, 2022, in addition to a complete response to the audit on May 8, 2023, the CFB has unreasonably delayed issuing a determination, leaving me in an indefinite state of uncertainty. The CFB additionally imposed a retaliatory deadline that coincided with my appeal deadline in the NYS Supreme Court case *Nampiaparampil v. N.Y.C. Campaign Fin. Bd.*, Index No. 159019/2022, (N.Y. Sup. Ct. 2023). That case specifically related to the Voter Guide and the mandatory televised debate, further demonstrating the CFB’s bad faith and unconstitutional interference with my civil rights. Moreover, the CFB has continued to impose burdensome and unnecessary financial disclosure requirements on me, despite there being no campaign activity. This has been done to improperly monitor my spending on legal fees, to perform unwarranted searches on my laptop (through screen sharing), to perform one-sided discovery during a Court-imposed stay of discovery, and to compel false

admissions of wrongdoing to undermine my credibility. The Defendants fail to acknowledge the constitutional dimensions of this litigation.

1. Audit and Retaliatory Context:

The CFB served me with an audit of my 2021 campaign, listing numerous concerns, approximately one month after I filed litigation challenging the CFB's conduct and policies.

2. Facilitate Retaliation Through the Knowledge Ban:

My campaign faced extraordinary barriers due to the CFB's "Lawyer Ban," and "Accountant Ban," which prohibited me from retaining legal or accounting assistance unless my *insolvent* campaign had enough money to pay for those services. These bans rendered me defenseless against other constitutional injuries, including the audit.

The CFB also disallowed my mother, who served as the campaign Treasurer up until Election Day 2021, from volunteering during the Audit, claiming the "fair market value" of my mother's contributions exceeded individual contribution limits. My mother is neither a lawyer nor an accountant; but she is a smart and trustworthy person. That disqualified her, and effectively stripped me of essential support, compounding the audit's burdens.

3. Unreasonable Burden and Deadline Manipulation:

The CFB set the audit response deadline to coincide with my appeal deadline in our related case before the NY Supreme Court, forcing me to choose between defending my civil rights as well as my medical practice's meritorious tort claims, and responding to the audit.

I submitted a complete response to the audit on May 8, 2023, but the CFB has taken no action since that time. Of note, the Defendants performed intermittent discretionary and burdensome "statements reviews" throughout my 2021 campaign for office, tying up my staff and resources. All of the Defendants' concerns were addressed in real-time and my campaign had 0 suspected violations (cumulatively) on Election Day 2021.

The timing of the audit's initiation and the overlap of deadlines with my appeal deadline demonstrate bad faith. The current delay leaves me in a perpetual state of uncertainty, hindering my ability to plan future campaigns or resolve outstanding issues.

4. Misuse of Financial Disclosures:

Beyond the audit, the CFB has imposed unnecessary financial disclosure requirements, despite no campaign activity. It pre-populated false and immutable numbers in its web portal and coerced me to certify them. If I didn't, I faced a penalty of \$10,000 for "failure to file," for each unsigned disclosure. Notably, I also uploaded attestations into their portal about being under duress while making the false confessions. I labeled them as "Bank Statements." Then I took time-stamped screenshots to demonstrate the Defendants' failed attempts to frame me for fraud in real-time. This misuse of financial disclosures demonstrates the CFB's retaliatory intent and bad faith.

5. CFB's Acknowledgment of Candidate Burdens:

In a March 23, 2020, letter from then-CFB Executive Director, Defendant Loprest, the CFB explicitly acknowledged the significant burdens that audits impose on candidates,

particularly those who are actively campaigning. However, the CFB's retaliatory actions against me demonstrate its willingness to exploit these burdens to suppress dissenting voices. The ongoing delay undermines my ability to engage in political activity, pursue litigation, and clear my name of alleged violations. This delay serves no legitimate purpose and is solely punitive.

THE CFB'S UNREASONABLE DELAY VIOLATES THE FIRST AND FOURTEENTH AMENDMENTS

The CFB's indefinite delay in issuing a determination on Dr. Devi For NYC's audit constitutes a violation of my due process rights under the New York State Constitution and CPLR § 7803(1). Agencies have a duty to act within a reasonable timeframe, particularly when their inaction imposes significant harm on individuals. Under CPLR § 7803(1), an agency's inaction is subject to judicial review where it constitutes a failure to perform a duty enjoined by law.

Courts have held that agencies must act within a reasonable timeframe, particularly where delay causes ongoing harm. The CFB's inaction exceeds any reasonable standard. No meaningful action has been taken since May 2023 (21 months ago). No enforcement notice has been issued even after the Agency received *every one of the campaign's financial transactions*, as it requested. That occurred in January 2022 when I closed the campaign bank account. I campaigned 8 months. This audit has lasted more than 3 years.

COMPELLING A DECISION WOULD CLARIFY JURISDICTION AND ENSURE FAIRNESS

If the CFB proceeds with prosecution, the matter would fall under the jurisdiction of this court, the JPML and the EDNY. If the CFB drops the audit, it would remove the lingering threats of further penalties and prosecution, which it continues to hang over me like the Sword of Damocles. For the foregoing reasons, I respectfully request that this Court add this issue to our pending hearing. If the Court denies my Motion for a Stay to allow the JPML to render a decision on Consolidation and Transfer, then I respectfully ask the Court to compel the CFB to issue a final determination regarding its audit of my 2021 campaign and to provide such other relief as the Court deems just and proper.

I affirm this 27th day of January 2025, under the penalties of perjury under the laws of New York, which may include a fine of imprisonment, that the foregoing is true, and I understand that this document is being filed in an action or proceeding in a court of law.

Respectfully submitted,

/s/ Devi Nampiaparampil
Devi Nampiaparampil
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City is hereby directed to respond by Wednesday,
January 29, 2025.

It is SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written over a horizontal line.

Edgardo Ramos, U.S.D.J.

Dated: 01/27/2025

New York, New York